

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

## **AIR QUALITY PERMIT**

**Permittee Name:** American Sunroof Company  
**Mailing Address:** 200 Tobacco Road  
Bowling Green, Kentucky 42101

**Source Name:** same as above  
**Mailing Address:** same as above

**Source Location:** 200 Tobacco Road  
Bowling Green, Kentucky 42101

**Permit Type:** Federally-enforceable  
**Review Type:** Minor permit revision

**Permit Number:** V-99-005 (Revision 2)  
**Title V Log Number:** F527  
**Revision Log**  
**Number:** 53545  
**Title V Application**  
**Complete Date:** March 12, 1998  
**Revision Complete**  
**Date:** May 17, 2001

**AFS Plant ID #:** 21-227-00083  
**SIC Code:** 3714

**Region:** Bowling Green  
**County:** Warren

**Issuance Date:** August 10, 1999  
**Revision Date:** August 31, 2001  
**Expiration Date:** August 10, 2004

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**John E. Hornback, Director  
Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on March 12, 1998, the Kentucky Division for Air Quality hereby authorizes the construction/operation of the equipment described herein in accordance with the terms and conditions of this draft permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**Emission Point 1 (05) being added under this Revision**

- 01      (1, 2)    Resin Transfer Molding (RTM)  
                 Two units - Tyler Power Pod Molding Presser 180 Ton Capacity  
                 Installed Sept, 1998
- (3, 4)    Resin Transfer Molding (RTM)  
                 Two units - Shuler Molding Presses 300 Ton Capacity  
                 Installed June, 1995
- (5)      Low Pressure SMC Molding Press - PH Group  
                 One unit - 300 pound/hour Capacity  
                 Installed February 2001

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 63:060, List of hazardous air pollutants (HAPs), petitions process, lesser quantity designations, and source category list. At this time there are not any requirements associated with this regulation with regard to these affected facilities. The HAPs emissions will come from the Resin Transfer Molding process.

1.      **Operating Limitations:**      None
2.      **Emission Limitations:**      None
3.      **Testing Requirements:**      None
4.      **Specific Monitoring Requirements:**    None
5.      **Specific Record Keeping Requirements:**    None
6.      **Specific Reporting Requirements:**      None
7.      **Specific Control Equipment Operating Conditions:**    None
8.      **Alternate Operating Scenarios:**      None

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 02 (1) Prime Coat Application:  
Primer Booth #1  
0.25 mmBTU/hr heat input natural gas-fired bake oven  
(Combo Spray Booth/Bake Oven)  
Installed 1994  
90% efficiency dry filtered down draft exhaust system
- 02 (2) Primer Booth #2  
0.25 mmBTU/hr heat input natural gas-fired bake oven  
(C.W.N. Spray Booth Model #25)  
Installed 1988  
90% efficiency dry filtered down draft exhaust system
- 02 (3) Color/Clearcoat Application:  
Color/Clear Booth #1  
(C.W.N. Spray Booth Model #25)  
Installed 1988  
90% efficiency dry filtered down draft exhaust system
- 02 (4) Color/Clear Booth #2  
(C.W.N. Spray Booth Model #25)  
Installed 1988  
90% efficiency dry filtered down draft exhaust system
- (-) 1.0 mmBTU/hr heat input natural gas-fired bake oven for the color/clearcoat  
booths

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, is applicable to each affected facility or source, associated with process operations, which are not subject to another emission standard with respect to particulate, commenced after July 2, 1975.

Regulation 401 KAR 63:060, List of hazardous air pollutants (HAPs), petitions process, lesser quantity designations, and source category list. At this time there are not any requirements associated with this regulation at these affected facilities.

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality, does not apply since this source does not emit 250 tons per year of volatile organic compound. This source has the potential to emit 249.0 tons per year of volatile organic compounds.

**1. Operating Limitations:**

None

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**2. Emission Limitations:**

401 KAR 59:010, Section 3.

1. Particulate emissions shall not exceed 2.34 pounds/hour as required by this regulation for each booth.
2. Visible emissions shall not equal or exceed 20% opacity for each booth.

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The dry filters shall be monitored on a daily basis and changed as recommended by the manufacturer in order to help show compliance with regulation 59:010, New process operations.

**5. Specific Record Keeping Requirements:**

Daily record keeping shall be performed on the inspections of the dry filters. The filter shall be changed according to manufacturer's specifications in order to insure that the control efficiencies are maintained to help insure compliance with the particulate matter hourly allowable.

**6. Specific Reporting Requirements:**

See Section F-5 and Section F-7.

**7. Specific Control Equipment Operating Conditions:**

The efficiency of the PM control devices for the above booths shall be maintained at 90%. Maintenance shall be performed as recommended by the manufacturer's specifications in order to insure that this level of collection efficiency is continuously achieved.

**8. Alternate Operating Scenarios:**

None

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- Surface Coating Equipment Cleanup  
consisting of:
- 03 (1) Prime Mix Room and the
  - 03 (2) Paint Mix Room
- Installed 1988

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 63:060, List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list also apply to these presses. At this time there are not any requirements associated with this regulation at these affected facilities.

- 1. **Operating Limitations:** None
- 2. **Emission Limitations:** None
- 3. **Testing Requirements:** None
- 4. **Specific Monitoring Requirements:** None
- 5. **Specific Record Keeping Requirements:** None
- 6. **Specific Reporting Requirements:** See Section F-7.
- 7. **Specific Control Equipment Operating Conditions:** None
- 8. **Alternate Operating Scenarios:** None

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- 6 (1) Prime Coat Booth (Nova Verta) #3  
Maximum rated capacity 1.5 fiberglass pieces/hour and 0.66 gal/hr primer usage  
Installed February 2000  
85% control efficiency for PM emissions with water curtain and panel filters  
0.25 mmBTU/hr heat input natural gas-fired bake oven

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, is applicable to each affected facility or source, associated with process operations, which are not subject to another emission standard with respect to particulate, commenced after July 2, 1975.

Regulation 401 KAR 63:060, List of hazardous air pollutants (HAPs), petitions process, lesser quantity designations, and source category list. At this time there are not any requirements associated with this regulation at these affected facilities.

Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality, does not apply since this source does not emit 250 tons per year of volatile organic compound. This source has the potential to emit 249.0 tons per year of volatile organic compounds.

1. **Operating Limitations:** None

2. **Emission Limitations:**  
401 KAR 59:010, Section 3.  
1. Particulate emissions shall not exceed 2.34 pounds/hour as required by this regulation for each booth.  
2. Visible emissions shall not equal or exceed 20% opacity for each booth.

**Compliance Demonstration Method for PM:**

This affected facility is assumed to be in continuous compliance at all times when the water curtain is operated in accordance with the manufacturer's specifications and/or standard operating procedures. See Section B4.

3. **Testing Requirements:** None

4. **Specific Monitoring Requirements:**  
The dry filters shall be monitored on a daily basis and changed as recommended by the manufacturer in order to help show compliance with regulation 59:010, New process operations.



**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Record Keeping Requirements:**

Daily record keeping shall be performed on the inspections of the dry filters. The filter shall be changed according to manufacturer's specifications in order to insure that the control efficiencies are maintained to help insure compliance with the particulate matter hourly allowable.

**6. Specific Reporting Requirements:**

See Section F-5 and Section F-7.

**7. Specific Control Equipment Operating Conditions:**

Maintenance shall be performed as recommended by the manufacturer's specifications in order to insure that this level of collection efficiency is continuously achieved.

**8. Alternate Operating Scenarios:**

None

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation.

<u>Description</u>	<u>Generally Applicable Regulation</u>
Pre-Form	401 KAR 63:010, Fugitive emissions
Bond Cell	401 KAR 63:010, Fugitive emissions
Sanding Operation	401 KAR 63:010, Fugitive emissions 401 KAR 59:010, New process operations
Intake Air Ovens	401 KAR 63:010, Fugitive emissions
Natural gas-fired boiler (0.35mmBTU/hr)	
Final Detail	401 KAR 63:010, Fugitive emissions
Vacuum System	401 KAR 59:010, New process operations
BMW Assembly	401 KAR 63:010, Fugitive emissions
Paint Grate/Rack Bake Oven	401 KAR 59:010, New process operations

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. Particulate matter emissions as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
2. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a) Date, place as defined in this permit, and time of sampling or measurements.
  - b) Analyses performance dates;
  - c) Company or entity that performed analyses;
  - d) Analytical techniques or methods used;
  - e) Analyses results; and
  - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of regulation 401 KAR 50:035, Permits Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b) Have access to and copy, at reasonable times, any records required by the permit:
    - i) During normal office hours, and
    - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency; and
  - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Bowling Green Regional Office at least every six (6) months during the life of this permit, unless otherwise specifically stated in this permit. For emission units that were under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission units was not in operation.

The reports are due within 30 days after the end of each six-month reporting period that commences on the initial issuance date of this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports. The monitoring results to be submitted include only when a failure to perform the dry filter inspections occurs.

6. a. In accordance with the provisions of regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Bowling Green Regional Office concerning startups, shutdowns, or malfunctions as follows:
  1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. In accordance with the provisions of regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission-related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Bowling Green Regional Office within 30 days. Other deviations from permit requirements shall be included in the semi-annual report required by general condition F.5.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

7. Pursuant to regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year, if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) or an approved alternative to the Division for Air Quality's Bowling Green Regional Office and the U.S. EPA in accordance with the following requirements:
- a) Identification of each term or condition of the permit that is the basis of the certification;
  - b) The compliance status regarding each term or condition of the permit;
  - c) Whether compliance was continuous or intermittent; and
  - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to regulation 401 KAR 50:035, Section 7(1)(c), (d), and
  - e) The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Bowling Green Regional Office  
1508 Westen Avenue  
Bowling Green, Kentucky 42104

U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, Georgia 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, Kentucky 40601

8. In accordance with 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by regulation 401 KAR 50:016, Section 1(1), results of any performance test(s) shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.
10. Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality, does not apply to this source. Source wide volatile organic compound emissions shall not exceed 250 tons per year in order to preclude the applicability of this regulation.

## **SECTION G - GENERAL CONDITIONS**

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and re-issuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, re-issuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to regulation 401 KAR 50:035, Section 12(2)(c);
  - b) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Re-openings shall be made as expeditiously as practicable. Re-openings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.



**SECTION G - GENERAL CONDITIONS (CONTINUED)**

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.
6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in regulation 401 KAR 50:038, Section 3(6).
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
11. This permit shall not convey property rights or exclusive privileges.
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
15. Permit Shield: Except as provided in state regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previous permits issued to this source at this location are hereby subsumed into this permit.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### (b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division.

### c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### (d) Construction, Start-Up, and Initial Certification Requirements:

#### **Pertaining to emission point 1 (5)**

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up, and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Bowling Green Regional Office in writing, with a copy to the division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.
  - b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

3. Pursuant to state regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the division upon a satisfactory request showing that an extension is justified.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to regulation 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a compliance demonstration on the affected facilities in accordance with regulation 401 KAR 50:055, General compliance requirements.

**(e) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

**(f) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - i) An emergency occurred and the permittee can identify the cause of the emergency;
  - ii) The permitted facility was at the time being properly operated;
  - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - iv) The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 2234  
Merrifield, VA. 22116-3346

2. If requested, submit additional relevant information by the division or the U.S. EPA.

(h) Ozone-depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the record keeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None

**SECTION I - COMPLIANCE SCHEDULE**

None